

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

PEDRO PABLO FUENTES,

Petitioner,

v.

STEVEN HARPE,

Respondent.

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Case No. CIV-23-355-J

ORDER

Petitioner, a state prisoner appearing pro se, brings this action pursuant to 28 U.S.C. § 2254, seeking habeas relief from a state court conviction. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. § 636. [Doc. No. 5]. On February 6, 2024, Judge Erwin issued a Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be denied. [Doc. No. 23]. Petitioner has filed an objection to the Report and Recommendation which triggers de novo review. [Doc. No. 29].

In this habeas action, Petitioner alleges that the state trial court erred when it denied his motion to suppress evidence gained from his vehicle following a traffic stop which he asserts was unlawfully extended for reasons unrelated to the traffic stop. Following his conviction, Petitioner appealed the denial of his motion to suppress evidence, and the Oklahoma Court of Criminal Appeals affirmed his conviction. *See* Report and Recommendation [Doc. No. 23]. “[W]here the State has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search or seizure was introduced at his trial.” *Stone v. Powell*, 428 U.S. 465, 494 (1976). Having reviewed the filings in this case, the Court concludes that Petitioner was provided an opportunity for full and fair litigation of his Fourth Amendment claims prior to trial

and on appeal and, therefore, is not entitled to federal habeas corpus relief. *See* Report and Recommendation [Doc. No. 23].

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 23] and DENIES Petitioner's Petition for Writ of Habeas Corpus [Doc. No. 15]. A certificate of appealability is DENIED, as the Court concludes Petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED this 29th day of April, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE